

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference X16437	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2005/000025	International filing date (day/month/year) 25/01/2005	(Earliest) Priority Date (day/month/year) 30/01/2004
Applicant  ELI LILLY AND COMPANY		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒

It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

☐

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2.

☐

**Certain claims were found unsearchable** (See Box II).

3.

☐

**Unity of invention is lacking** (see Box III).

4. With regard to the **title**,
☒

the text is approved as submitted by the applicant.

☐

the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,
☒

the text is approved as submitted by the applicant.

☐

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. \_\_\_\_\_

☐

as suggested by the applicant.

☐

as selected by this Authority, because the applicant failed to suggest a figure.

☐

as selected by this Authority, because this figure better characterizes the invention.

☐

- b. none of the figures is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International Application No  
PCT/US2005/000025

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C07D471/04 A61K31/4188 A61P29/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07D A61K A61P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, CHEM ABS Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	✓ WO 99/01130 A (SMITHKLINE BEECHAM CORPORATION; ADAMS, JERRY, L; HALL, RALPH, F) 14 January 1999 (1999-01-14) cited in the application page 1, line 7 - page 1, line 9; claims; examples 1-103	1-10
A	✓ WO 01/72737 A (SMITHKLINE BEECHAM CORPORATION; HARLING, JOHN, DAVID; GASTER, LARAMIE,) 4 October 2001 (2001-10-04) cited in the application page 1, line 2 - page 1, line 6; claims; examples 1-19	1-10



Further documents are listed in the continuation of box C



Patent family members are listed in annex

## \* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- \* & \* document member of the same patent family

Date of the actual completion of the international search

29 June 2005

Date of mailing of the international search report

06/07/2005

Name and mailing address of the ISA

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Authorized officer

Schmid, A

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2005/000025

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9901130	A	14-01-1999	AT 290001 T 15-03-2005
			AU 8381298 A 25-01-1999
			AU 737637 B2 23-08-2001
			AU 8381598 A 25-01-1999
			BR 9810342 A 05-09-2000
			CA 2294522 A1 14-01-1999
			CA 2294524 A1 14-01-1999
			CN 1261277 A ,C 26-07-2000
			CZ 9904750 A3 12-12-2001
			DE 69818266 D1 23-10-2003
			DE 69818266 T2 15-07-2004
			DE 69829192 D1 07-04-2005
			EP 0996446 A1 03-05-2000
			EP 1014976 A1 05-07-2000
			ES 2207847 T3 01-06-2004
			HU 0002050 A2 28-04-2001
			JP 2002507992 T 12-03-2002
			JP 2002507994 T 12-03-2002
			NO 996572 A 30-12-1999
			NZ 500922 A 21-12-2001
			PL 337738 A1 28-08-2000
			TR 200000014 T2 21-11-2000
			TW 536539 B 11-06-2003
			WO 9901131 A1 14-01-1999
			WO 9901130 A1 14-01-1999
			US 6046208 A 04-04-2000
			US 2003114452 A1 19-06-2003
			US 6562832 B1 13-05-2003
			ZA 9805763 A 19-01-1999
WO 0172737	A	04-10-2001	AT 296821 T 15-06-2005
			AU 4257901 A 08-10-2001
			EP 1268465 A1 02-01-2003
			WO 0172737 A1 04-10-2001
			JP 2003528870 T 30-09-2003
			US 2003149277 A1 07-08-2003

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

X16137

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

30 Nov 2005

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No  
PCT/US2005/000025

International filing date (day/month/year)  
25.01.2005

Priority date (day/month/year)  
30.01.2004

International Patent Classification (IPC) or both national classification and IPC  
C07D471/04, A61K31/4188, A61P29/00

Applicant  
ELI LILLY AND COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2005/000025

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2005/000025

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	1-10
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

- 1) The present compounds differ from the closest prior art represented by

D1: WO 99/01130 A (SMITHKLINE BEECHAM CORPORATION; ADAMS, JERRY, L; HALL, RALPH, F) 14 January 1999 (1999-01-14)

D2: WO 01/72737 A (SMITHKLINE BEECHAM CORPORATION; HARLING, JOHN, DAVID; GASTER, LARAMIE,) 4 October 2001 (2001-10-04)

in the imidazo-[4,5b]pyridine residue which can be only pyridine or pyrimidine in D1 and D2, examples.

Accordingly the present subject-matter is novel pursuant to Article 33(2) PCT.

- 2) As could be proved by the applicant (cf. page 61, 63, 65 and 67), the present compounds exhibit an inhibition of the p38 kinase as well as for example a TNF- $\alpha$  suppression, effects which were not predictable by a skilled person looking for alternative p38 kinase inhibitors, since the structural differences are too big.

Therefore, the present subject-matter also involves an inventive step with regard to Article 33(3) PCT.